

Application No.: 09/403,560
Amendment Dated: May 6, 2004
Reply to Office Action of: March 19, 2004

MAT-7839

Remarks/Arguments:

By this Amendment, Applicants have amended claims 6-9, 11, and 18.
Claims 1-11 and 16-20 are pending.

Claim Objections

Claims 6-9, 11 and 18 are objected to on informal grounds set forth in page 2 of the Office Action. Following the Examiner's guidance, Applicants have amended these claims to overcome the claim objections.

Claim Rejections Under § 102

Claims 1-11 and 16-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Osakabe. Applicants respectfully traverse this Section 102(e) rejection.

Osakabe is the only reference in which the Section 102(e) is based. The Osakabe Patent issued March 25, 2003 and is based on an application filed April 14, 1998. The subject application has a filing date of January 12, 2000, and has a priority date of April 24, 1997, based on Japanese Patent Application No. 09-106995. Thus, the priority date of the subject application is earlier than the filing date of the Osakabe Patent. Applicants are therefore filing a certified English translation of the subject application to perfect their priority date. With the filing of the certified English translation, Applicants have eliminated the Osakabe Patent as a reference. On this basis, Applicants request that the Section 102(e) rejection based on the Osakabe Patent be withdrawn.

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In view of the foregoing remarks and amendments, Applicants respectfully submit that claims 1-11 and 16-20 are in condition for allowance. Reconsideration and allowance of all pending claims are respectfully requested.

Respectfully submitted,

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Enclosure: Verification of a Translation of JP 09-106995

Dated: May 6, 2004

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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

May 6, 2004

Frank Petrelli

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